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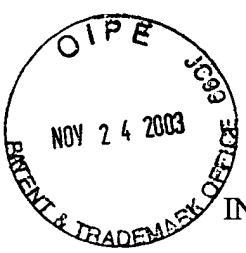
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IN THE UNITED STATES DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

Applicant: Ralph F. Kalies                      Examiner: n/a  
Filed: 6/27/2003                      Art Unit: 3626  
Serial No: 10/608,265                      Docket No. 036806.00434  
For: METHOD FOR CONDUCTING PRESCRIPTION DRUG CO-PAYMENT PLANS

Mail Stop Missing Parts  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF ATTORNEY JAMES R. ELEY IN SUPPORT OF FILING  
ON BEHALF OF INVENTOR REFUSING TO SIGN(37 C.F.R. §1.47)**

This Declaration is made as to the facts that are relied upon to establish the diligent effort made to secure the execution of the Declaration and Power of Attorney by the inventor refusing to sign, Ralph F. Kalies, for the above-identified patent application.

I have been given authority by Assignee, Omnicare, Inc., to execute this Declaration as its attorney and I have first-hand knowledge of the facts recited herein.

- June 27, 2002                      Provisional Application for Patent filed, originally entitled  
  “Improved Prescription Drug Co-Payment Plan”, Serial No.  
  60/392,066.
- October 14, 2002                      Assignment from Ralph F. Kalies (“Dr. Kalies”) to his employer  
  Omnicare, Inc., executed.
- October 22, 2002                      Assignment recorded at reel 13426, frame 0631.
- October 31, 2002                      (on or about) Ralph F. Kalies’ employment agreement with  
  Omnicare, Inc., expires.
- June 27, 2003                           Non-provisional Application for Patent filed.
- September 23, 2003                   Notice to File Missing Parts received.

October 21, 2003      Communication forwarded to Dr. Kalies attaching patent application and declaration for his review and execution of Declaration.

October 27, 2003      Communication to Omnicare, Inc., that Dr. Kalies received patent documents and Dr. Kalies' willingness to sign pending Omnicare's approval of same.

November 7, 2003      Communication to Dr. Kalies regarding Omnicare's approval.

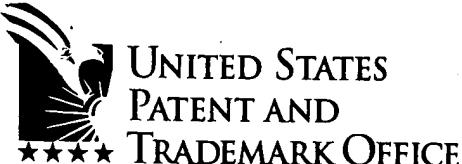
November 19, 2003      Communication from legal assistant to attorney in charge regarding telephone contact in which Dr. Kalies refused to sign the Oath and Declaration.

I hereby declare that all statements made herein on my own knowledge are true and that all statements were made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted:

Date: November 24, 2003

By:   
James R. Eley, Esq.      Reg. No. 36,790  
Thompson Hine LLP  
10 W. Broad St., Suite 700  
Columbus, OH 43215-3435  
Phone: 614/469-3228  
Fax: 614/469-3361

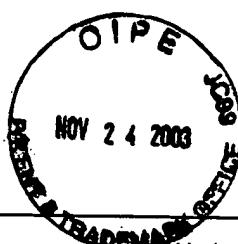


UNITED STATES  
PATENT AND  
TRADEMARK OFFICE

FEBRUARY 13, 2003

PTAS

THOMPSON HINE LLP  
JAMES R. ELEY  
10 W. BROAD ST., SUITE 700  
COLUMBUS, OH 43215



Under Secretary of Commerce For Intellectual Property and  
Director of the United States Patent and Trademark Office  
Washington, DC 20231  
[www.uspto.gov](http://www.uspto.gov)



\*102265191A\*

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SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 10/22/2002

REEL/FRAME: 013424/0631  
NUMBER OF PAGES: 9

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:

KALIES, RALPH F.

DOC DATE: 10/14/2002

ASSIGNEE:

OMNICARE, INC.  
100 EAST RIVERCENTER BLVD.  
1600 RIVERCENTER II  
COVINGTON, KENTUCKY 41011

SERIAL NUMBER: 60417056  
PATENT NUMBER:

FILING DATE: 10/08/2002  
ISSUE DATE:

SERIAL NUMBER: 60416810  
PATENT NUMBER:

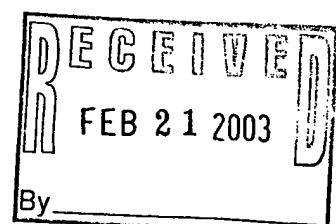
FILING DATE: 10/08/2002  
ISSUE DATE:

SERIAL NUMBER: 60392066  
PATENT NUMBER:

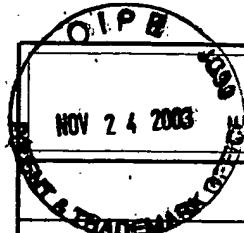
FILING DATE: 06/27/2002  
ISSUE DATE:

SERIAL NUMBER: 60416798  
PATENT NUMBER:

FILING DATE: 10/08/2002  
ISSUE DATE:



JOANN STEWART, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



**Assignment of Rights in Invention  
(Sole inventor; single assignee)**

Docket No.  
036806.00393

Inventor	Residence of Inventor
Ralph F. Kalies	5770 Kumbier Road Picket, WI 54964
Assignee	Residence or Principal Place of Business of Assignee
Omnicare, Inc.	1600 Rivercenter II 100 East Rivercenter Blvd. Covington, KY 41011

*Whereas, I, the above-identified Inventor, have invented certain new and useful improvements in:  
**IMPROVED PRESCRIPTION DRUG CO-PAYMENT PLAN** Serial No. 60/392,066*

*(hereinafter referred to as "Invention") for which I am making application for Letters Patent in the United States of America;*

*And, whereas I desire to assign a 100% undivided interest in said Invention, said application disclosing the Invention and any Letters Patent which may be granted therefor to the above-identified Assignee, and whereas said Assignee is desirous of acquiring the entire right, title and interest in the same;*

*Now, this indenture witnesseth, that for the sum of **ONE** dollars (\$1), and other good and valuable consideration, the receipt whereof is hereby acknowledged;*

*I hereby assign, sell and transfer a 100% undivided interest in said invention, said application, including any divisions, continuations, and continuations-in-part thereof, and in and to any and all Letters Patent of the United States, and countries foreign thereto, which may be granted for said Invention, and in and to any and all priority rights, Convention rights, and other benefits accruing or to accrue to me with respect to the filing of applications for patents or securing of patents in the United States and countries foreign thereto, unto said Assignee;*

*And I hereby authorize and request the Commissioner of Patents and Trademarks to issue said United States Letters Patent to said Assignee, as assignee of the whole right, title and interest thereto;*

*And I further agree to execute all necessary and lawful future documents, including assignments in favor of Assignee, or its designees as Assignee or its Assignees may from time-to-time present to me in order to perfect title in said Invention, modifications, and improvements in said Invention, applications and Letters Patent of the United States and countries foreign thereto;*

**Assignment of Rights in Invention  
(Sole inventor; single assignee)**

Docket No.  
036806.00393

Inventor	Residence of Inventor
Ralph F. Kalies	5770 Kumbier Road Picket, WI 54964
Assignee	Residence or Principal Place of Business of Assignee
Omnicare, Inc.	1600 Rivercenter II 100 East Rivercenter Blvd. Covington, KY 41011

*And I further agree to sign and properly execute such necessary and lawful papers for application for foreign patents, for filing divisions, continuations and continuations-in-part of said application for patent, and/or, for obtaining any reissue or reissues of any Letters Patent which may be granted for my aforesaid Invention, as the Assignee thereof shall hereafter require and prepare at its own expense.*

Executed this 14 day of Oct, in the year 2002  
at Cincinnati



*Ralph Kalies*  
(Signature of Inventor)

State of Ohio

County of Hamilton

Before me personally appeared Ralph F. Kalies  
who acknowledged the foregoing instrument to be a free act and deed and also represented that he or she is authorized to  
execute the same this 14 day of October, in the year 2002.



JAMES R. ELEY, Attorney At Law  
NOTARY PUBLIC, STATE OF OHIO  
My commission has no expiration date.  
Section 147.03 R.C.



*James R. Eley*  
(Notary Public)

**Assignment of Rights in Invention  
(Sole inventor; single assignee)**

Docket No.  
036806.00431

Inventor	Residence of Inventor
Ralph F. Kalies	5770 Kumbier Road Picket, WI 54964
Assignee	Residence or Principal Place of Business of Assignee
Omnicare, Inc.	1600 Rivercenter II 100 East Rivercenter Blvd. Covington, KY 41011

*Whereas, I, the above-identified Inventor, have invented certain new and useful improvements in:  
**METHOD FOR STORING & REPORTING PHARMACY DATA***

*(hereinafter referred to as "Invention") for which I am making application for Letters Patent in the United States of America;*

*And, whereas I desire to assign a 100% undivided interest in said Invention, said application disclosing the Invention and any Letters Patent which may be granted therefor to the above-identified Assignee, and whereas said Assignee is desirous of acquiring the entire right, title and interest in the same;*

*Now, this indenture witnesseth, that for the sum of **ONE** dollars (\$1), and other good and valuable consideration, the receipt whereof is hereby acknowledged;*

*I hereby assign, sell and transfer a 100% undivided interest in said invention, said application, including any divisions, continuations, and continuations-in-part thereof, and in and to any and all Letters Patent of the United States, and countries foreign thereto, which may be granted for said Invention, and in and to any and all priority rights, Convention rights, and other benefits accruing or to accrue to me with respect to the filing of applications for patents or securing of patents in the United States and countries foreign thereto, unto said Assignee;*

*And I hereby authorize and request the Commissioner of Patents and Trademarks to issue said United States Letters Patent to said Assignee, as assignee of the whole right, title and interest thereto;*

*And I further agree to execute all necessary and lawful future documents, including assignments in favor of Assignee, or its designees as Assignee or its Assignees may from time-to-time present to me in order to perfect title in said Invention, modifications, and improvements in said Invention, applications and Letters Patent of the United States and countries foreign thereto;*

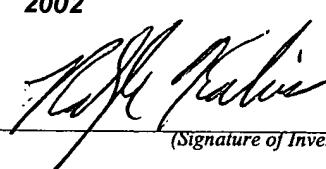
**Assignment of Rights in Invention  
(Sole inventor; single assignee)**

Docket No.  
036806.00431

Inventor	Residence of Inventor
Ralph F. Kalies	5770 Kumbier Road Picket, WI 54964
Assignee	Residence or Principal Place of Business of Assignee
Omnicare, Inc.	1600 Rivercenter II 100 East Rivercenter Blvd. Covington, KY 41011

*And I further agree to sign and properly execute such necessary and lawful papers for application for foreign patents, for filing divisions, continuations and continuations-in-part of said application for patent, and/or, for obtaining any reissue or reissues of any Letters Patent which may be granted for my aforesaid Invention, as the Assignee thereof shall hereafter require and prepare at its own expense.*

Executed this 14 day of Oct, in the year 2002  
at Cincinnati



(Signature of Inventor)

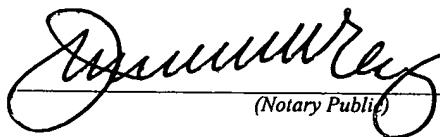
State of Ohio

County of Hamilton

Before me personally appeared Ralph F. Kalies  
who acknowledged the foregoing instrument to be a free act and deed and also represented that he or she is authorized to  
execute the same this 14th day of October, in the year 2002.



JAMES R. ELEY, Attorney At Law  
NOTARY PUBLIC, STATE OF OHIO  
My commission has no expiration date.  
Section 147.03 R.C.



(Notary Public)

**Assignment of Rights in Invention  
(Sole inventor; single assignee)**

Docket No.  
036806.00432

Inventor	Residence of Inventor
Ralph F. Kalies	5770 Kumbier Road Picket, WI 54964
Assignee	Residence or Principal Place of Business of Assignee
Omnicare, Inc.	1600 Rivercenter II 100 East Rivercenter Blvd. Covington, KY 41011

*Whereas, I, the above-identified Inventor, have invented certain new and useful improvements in:  
**METHOD FOR PROCESSING AND ORGANIZING PHARMACY DATA***

*(hereinafter referred to as "Invention") for which I am making application for Letters Patent in the United States of America;*

*And, whereas I desire to assign a 100% undivided interest in said Invention, said application disclosing the Invention and any Letters Patent which may be granted therefor to the above-identified Assignee, and whereas said Assignee is desirous of acquiring the entire right, title and interest in the same;*

*Now, this indenture witnesseth, that for the sum of **ONE** dollars (\$1), and other good and valuable consideration, the receipt whereof is hereby acknowledged;*

*I hereby assign, sell and transfer a 100% undivided interest in said invention, said application, including any divisions, continuations, and continuations-in-part thereof, and in and to any and all Letters Patent of the United States, and countries foreign thereto, which may be granted for said Invention, and in and to any and all priority rights, Convention rights, and other benefits accruing or to accrue to me with respect to the filing of applications for patents or securing of patents in the United States and countries foreign thereto, unto said Assignee;*

*And I hereby authorize and request the Commissioner of Patents and Trademarks to issue said United States Letters Patent to said Assignee, as assignee of the whole right, title and interest thereto;*

*And I further agree to execute all necessary and lawful future documents, including assignments in favor of Assignee, or its designees as Assignee or its Assignees may from time-to-time present to me in order to perfect title in said Invention, modifications, and improvements in said Invention, applications and Letters Patent of the United States and countries foreign thereto;*

**Assignment of Rights in Invention**  
**(Sole inventor; single assignee)**

Docket No.  
 036806.00432

Inventor	Residence of Inventor
Ralph F. Kalies	5770 Kumbier Road Picket, WI 54964
Assignee	Residence or Principal Place of Business of Assignee
Omnicare, Inc.	1600 Rivercenter II 100 East Rivercenter Blvd. Covington, KY 41011

*And I further agree to sign and properly execute such necessary and lawful papers for application for foreign patents, for filing divisions, continuations and continuations-in-part of said application for patent, and/or, for obtaining any reissue or reissues of any Letters Patent which may be granted for my aforesaid Invention, as the Assignee thereof shall hereafter require and prepare at its own expense.*

Executed this 14 day of Oct, in the year 2002  
 at Cincinnati

Ralph Kalies  
(Signature of Inventor)

State of Ohio

County of Hamilton

Before me personally appeared Ralph F. Kalies  
 who acknowledged the foregoing instrument to be a free act and deed and also represented that he or she is authorized to execute the same this 14/7/02 day of October, in the year 2002.



JAMES R. ELEY, Attorney At Law  
 NOTARY PUBLIC, STATE OF OHIO  
 My commission has no expiration date.  
 Section 147.03 R.C.

James R. Eley  
(Notary Public)

**Assignment of Rights in Invention  
(Sole inventor; single assignee)**

Docket No.  
036806.00433

Inventor	Residence of Inventor
Ralph F. Kalies	5770 Kumbier Road Picket, WI 54964
Assignee	Residence or Principal Place of Business of Assignee
Omnicare, Inc.	1600 Rivercenter II 100 East Rivercenter Blvd. Covington, KY 41011

*Whereas, I, the above-identified Inventor, have invented certain new and useful improvements in:  
**METHOD FOR ASSIMILATING PHARMACY DATA***

*(hereinafter referred to as "Invention") for which I am making application for Letters Patent in the United States of America;*

*And, whereas I desire to assign a 100% undivided interest in said Invention, said application disclosing the Invention and any Letters Patent which may be granted therefor to the above-identified Assignee, and whereas said Assignee is desirous of acquiring the entire right, title and interest in the same;*

*Now, this indenture witnesseth, that for the sum of **ONE** dollars (\$1), and other good and valuable consideration, the receipt whereof is hereby acknowledged;*

*I hereby assign, sell and transfer a 100% undivided interest in said invention, said application, including any divisions, continuations, and continuations-in-part thereof, and in and to any and all Letters Patent of the United States, and countries foreign thereto, which may be granted for said Invention, and in and to any and all priority rights, Convention rights, and other benefits accruing or to accrue to me with respect to the filing of applications for patents or securing of patents in the United States and countries foreign thereto, unto said Assignee;*

*And I hereby authorize and request the Commissioner of Patents and Trademarks to issue said United States Letters Patent to said Assignee, as assignee of the whole right, title and interest thereto;*

*And I further agree to execute all necessary and lawful future documents, including assignments in favor of Assignee, or its designees as Assignee or its Assignees may from time-to-time present to me in order to perfect title in said Invention, modifications, and improvements in said Invention, applications and Letters Patent of the United States and countries foreign thereto;*

**Assignment of Rights in Invention**  
**(Sole inventor; single assignee)**

Docket No.  
 036806.00433

Inventor	Residence of Inventor
Ralph F. Kalies	5770 Kumbier Road Picket, WI 54964
Assignee	Residence or Principal Place of Business of Assignee
Omnicare, Inc.	1600 Rivercenter II 100 East Rivercenter Blvd. Covington, KY 41011

*And I further agree to sign and properly execute such necessary and lawful papers for application for foreign patents, for filing divisions, continuations and continuations-in-part of said application for patent, and/or, for obtaining any reissue or reissues of any Letters Patent which may be granted for my aforesaid Invention, as the Assignee thereof shall hereafter require and prepare at its own expense.*

Executed this 14 day of Oct, in the year 2002  
 at Cincinnati

State of Ohio  
 County of Hamilton

Before me personally appeared Ralph F. Kalies  
 who acknowledged the foregoing instrument to be a free act and deed and also represented that he or she is authorized to  
 execute the same this 14th day of October, in the year 2002



JAMES R. ELEY, Attorney At Law  
 NOTARY PUBLIC, STATE OF OHIO  
 My commission has no expiration date.  
 Section 147.03 R.C.

James R. Eley  
(Notary Public)



**Certificate of Mailing**

The undersigned hereby certifies that a true and accurate copy of the foregoing recordation form cover sheet, four assignments, check for \$160 and return postcard was served by Express Mail Label No. EL589378982US on this 22<sup>d</sup> day of October 2002 to the following:

BOX ASSIGNMENTS  
Commissioner of Patents  
Washington, D.C. 20231

  
Pixie I. Picketts

**Picketts, Pixie**

---

**Fr m:** Picketts, Pixie  
**Sent:** Tuesday, October 21, 2003 4:44 PM  
**To:** 'kalies@attglobal.net'  
**Cc:** Eley, James  
**Subject:** Omnicare 00434

Attached are the specification, drawings, Declaration with Power of Attorney and Assignment form for the "Method for Conducting Prescription Drug Co-Payment Plans". After your review of the specification and drawings, please execute the Declaration with Power of Attorney and Assignment forms, and return them to our office for filing with the patent office. Thank you.

If you have any questions, please do not hesitate to call.

Pixie I. Picketts  
IP Assistant  
Thompson Hine LLP  
10 W. Broad St., Suite 700  
Columbus, OH 43215-3435  
Phone: 614/469-3394  
Fax: 614/469-3361  
E-mail: [Pixie.Picketts@ThompsonHine.com](mailto:Pixie.Picketts@ThompsonHine.com)

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**Picketts, Pixie**

---

**From:** Eley, James  
**Sent:** Monday, October 27, 2003 12:33 PM  
**To:** Ludeke, Tom (tludeke@accu-med.com)  
**Cc:** Picketts, Pixie; Forhan, Michael; Young, Rodney  
**Subject:** Kalies' Patent Signatures

Tom,

Dr. Kalies has received the patent paperwork we sent him in connection with 4 pending applications in which he is named as inventor. Today he called and expressed his willingness to sign the needed assignments and declarations but would like some affirmative indication from Omnicare that they still want him to sign them. He expressed some concern that his reviewing the pending applications could be viewed as his meddling in Omnicare's affairs. I advised him that he is already committed to reviewing the applications, assigning them to Omnicare and signing the necessary inventor's declarations.

By return email, please confirm that Omnicare still wishes to have Dr. Kalies review the applications and sign the necessary inventorship paperwork for the files. Thanks.

Jim Eley

**James R. Eley**  
Registered Patent Attorney  
Thompson Hine LLP  
10 W. Broad St., Suite 700  
Columbus, OH 43235  
614-469-3228 phone  
614-469-3361 fax  
614-537-3539 cell

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**Picketts, Pixie**

---

**From:** Eley, James  
**Sent:** Friday, November 07, 2003 12:09 PM  
**To :** 'Kalies@attglobal.net'  
**Cc:** Picketts, Pixie; Forhan, Michael  
**Subject:** FW: Kalies and Patent Applications

Ralph,

Here is the email I received from Tom Ludeke this morning. Looks like we are good to go for you to sign the declarations and assignments. Pixie has been on me about filing missing parts to previously filed applications, which includes the declaration paperwork we have sent to you previously.

If you have any questions which forms we need you to sign, contact Pixie at 614-469-3394. Thanks.

Jim

**James R. Eley**  
Registered Patent Attorney  
Thompson Hine LLP  
10 W. Broad St., Suite 700  
Columbus, OH 43235  
614-469-3228 phone  
614-469-3361 fax  
614-537-3539 cell

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-----Original Message-----

**From:** Ludeke, Tom [mailto:[TLudeke@accu-med.com](mailto:TLudeke@accu-med.com)]  
**Sent:** Friday, November 07, 2003 9:03 AM  
**To:** Eley, James  
**Subject:** RE: Kalies and Patent Applications

Jim,

It is fine to have Kalies review the applications. Please proceed.

Tom Ludeke

**Picketts, Pixie**

---

**Fr m:** Picketts, Pixie  
**Sent:** Wednesday, November 19, 2003 3:57 PM  
**T :** Eley, James  
**Subject:** Kalies

He was there. He wouldn't come to the phone but sent a message through the woman who answered the phone that he felt there was no need for him to sign those things. I asked him to call you.